

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 9, 2008

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, SEPTEMBER 9, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Carolynn Burt
Joel Coleman
Corey Rushton
Mike Winder
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Russell Willardson, Public Works Director
Joseph Moore, CED Director
John Evans, Fire Chief
Jim Welch, Finance Director
Layne Morris, Community Preservation Director
Richard Catten, City Attorney
Kevin Astill, Parks and Recreation Director
Colleen Nolen, Acting Police Chief
Nicole Cottle, Law Department
John Janson, CED Department
Jody Knapp, CED Department
Craig Thomas, Administration
Owen Jackson, Administration
Jake Arslanian, Public Works Department

14196 **OPENING CEREMONY**

The Opening Ceremony was conducted by Steve Vincent who led the Pledge of Allegiance to the Flag.

14197 **PROCLAMATION ESTABLISHING SEPTEMBER 2008, AS PTA MEMBERSHIP MONTH IN WEST VALLEY CITY**

Councilmember Rushton read a Proclamation establishing September 2008, as PTA Membership Month in West Valley City.

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COMMENT PERIOD

Upon inquiry by Mayor Nordfelt, the following individuals addressed the City Council during the Comment Period:

Doyle Griffith, 3122 West 3100 South, addressed the City Council. Mr. Griffith commended the City Council and City staff for working with his neighbors in resolving an ordinance issue. He stated it was heartwarming to know issues could be worked out and resolved in a positive manner and he expressed appreciation.

Helen Wilkinson, 4086 South 2610 West, addressed the City Council. Ms. Wilkinson stated she desired the City to replace trees that had been cut down due to road construction. She stated there was a noise issue and requested assistance from the City in purchasing trees. Mayor Nordfelt suggested Ms. Wilkinson put her request in writing and submit to the City Manager.

Ken Shosted, 3366 West 4400 South, addressed the City Council. Mr. Shosted expressed concern regarding the number of cars with “for sale” signs parked along the roadways.

Rebecca Fischer, 3943 South Redhawk Road, addressed the City Council. Ms. Fischer expressed concern regarding trash in the streets and gutters. She discussed road rage incidents with no cops on patrol. She also stated there was no cross walk or guard at 4100 South and 2200 West. Mayor Nordfelt explained schools had responsibility of designating safe walking routes and determining the need for crossing guards.

14199

PUBLIC HEARING, APPLICATION NO. ZT-4-2008, FILED BY WEST VALLEY CITY, REQUESTING A ZONE TEXT AMENDMENT TO ESTABLISH STANDARDS FOR FOOD VENDING CARTS AND MOBILE FOOD VENDING VEHICLES

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. ZT-4-2008 filed by West Valley City requesting a zone text amendment to establish standards for food vending carts and mobile food vending vehicles. He discussed proposed Ordinance No. 08-40 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-40 which would amend Section 7-1-103 and enact Chapter 7-30 of Title 7 of the West Valley City Municipal Code regarding food vending units and mobile food vending vehicles.

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Mr. Pyle stated that on March 18, 2008, and effective March 24, 2008, the Council enacted a moratorium on food vending carts. He also stated this had been to allow time for City staff to investigate and examine how those uses impacted the City, businesses and property owners, and to review and draft applicable standards for food vending carts.

The City Manager indicated currently the City Code allowed for food vending carts, however, few standards applied to these uses. He stated when the Code had first been drafted most carts used were open-air carts and not used year round. Therefore, a time limit had not been placed on this use, as it was typically self-regulating. However, the trend seemed to be going more towards enclosed food carts, which could stay on a site all year round, and making the use more permanent and not temporary as was originally intended.

Mr. Pyle reported that after meeting with the Fire Department, Building Inspection Division, Business Licensing, and Code Enforcement, and the Salt Lake Valley Health Department, it had been determined some guidelines were necessary for this use if it was going to continue to be allowed.

Mayor Nordfelt opened the public hearing.

Cyndie Dotson, 4372 South Hawarden Circle, addressed the City Council. Ms. Dotson stated she had no objection to people making a living, but food carts were becoming an eyesore in the City. She indicated she was a business owner and had to obtain a license and maintain her property. She stated several food carts did not have restroom facilities and she had seen patrons urinating on the lawn. She indicated there was no refrigeration. She also discussed other issues of concern, such as McDonald's had increased costs for their building, and others that served food should do the same rather than just sell from a cart.

Dan Dotson, 4372 South Hawarden Circle, addressed the City Council. Mr. Dotson stated he agreed with his wife regarding this issue. He further stated this type of venue was good for special events such as fairs and WestFest, but it was not a good idea to have these type of businesses open in the same location all the time.

Pat Rappleye, 3894 Cochise Drive, addressed the City Council. Ms. Rappleye stated her house backed onto 3500 South and there were two taco stands doing business nearby. She discussed problems with garbage being tossed over the fence onto her property and customers of the carts urinating near the carts. She stated it should be the obligation of the vendors to make sure neighbors were not disturbed by their patrons. She indicated each year she received a notification regarding property taxes and she recently had her home appraised and the taco carts had affected her property values. She expressed support for free enterprise, but stated

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she believed there were existing buildings such as in strip malls that could be used for this purpose.

Ken Shosted, 3366 West 4400 South, addressed the City Council. Mr. Shosted stated he was totally against the carts. He expressed concern regarding health issues and the lack of resources for inspections, more than on an annual basis. He stated there were drug deals taking place at some of these businesses. He indicated he was a long-time resident of the City and the citizens deserved better. He expressed concerns regarding health issues related to these carts and the activity going on around them.

Edwin Rappleye, 3894 Cochise Drive, addressed the City Council. Mr. Rappleye stated he had spoken with Harmon's as they leased the property to the taco stand. He expressed concern regarding their hours of operation that went into the early hours of the morning. He indicated he would like to see more enforcement. He also stated the trailer never moved so he wondered what happened to the gray water and how clean water was obtained. He stated Harmon's should be responsible as they leased the land to the vendor. He expressed concern regarding other carts that were across the street.

JoAnn Sloan, 3516 South 6935 West, addressed the City Council. Ms. Sloan stated she and her husband were "fed up" with the way West Valley City looked and would like to move to a cleaner city. She stated she found the trailers embarrassing and trashy and they were popping up everywhere. Ms. Sloan noted the City was trying to make improvements with more retail and nicer subdivisions, but this was a disgrace. She expressed concern regarding cleanliness and health issues regarding the food carts.

Andres Morales, 2985 West 3500 South, addressed the City Council. He stated he was the owner of a taco stand. He indicated he felt anger when hearing earlier comments as he was a citizen of this country. He stated he was not trying to make the City look dirty, but was trying to survive with his own business by working hard. Mr. Morales stated he did not want to depend on the government and had never asked for assistance because he could improve his life by working hard. He indicated owning his own business was how he paid for his education and was working on a bachelor's degree in criminal justice. He stated he followed the rules for his taco stand. He discussed requirements of the County Health Department for proof that restroom facilities were available and he had a permit. Mr. Morales indicated he controlled the customers around his taco stand, but not on the entire property where the cart was located. He discussed rules regarding hot and cold water, washing hands, and others, but stated he did not provide tables and chairs. He stated he cleaned around his cart and provided garbage cans for trash. Mr. Morales assured that no drugs were sold at his cart and he was offended by that suggestion. He expressed pride in being a Mexican American and stated he loved

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this country. Mr. Morales stated he kept his taco stand clean or customers would not want to buy from him. He explained this was his income source. He stated the City was growing and it should be understood that changes took place with the growth and it was not the same as it was years ago. He stated he had been in Utah since 1993 and worked hard to support his family. He expressed concern regarding the proposed ordinance and the impact on his ability to make a living. Mr. Morales answered questions from members of the City Council.

Necia Christensen, 4196 South 4000 West, addressed the City Council. Ms. Christensen stated she was offended that people had spoken tonight making reference to “these people.” She further stated she found some of those comments had been racial and offensive, anti-small business and demeaning to the City when the focus was on taco stands and not some other type of food carts. Ms. Christensen indicated if one type of food cart was acceptable then other types should be too. She inquired by asking about mobile food vendors that traveled from a business park or construction site and if they also would be targeted in the same way. She expressed concern the proposed ordinance seemed to target a certain ethnic culture and she found that offensive. She discussed her neighborhood and the fast food businesses and gas station located nearby. She explained she was always picking up wrappers from those businesses, but not the adjacent taco stand. She expressed opposition to “trashy businesses” and requested the City Council consider the tone of the hearing.

Martha Martinez, 5236 South Level Drive, owner of a taco cart, addressed the City Council. Ms. Martinez stated she was also offended by some of the comments and how residents were stereotyped. She explained she had been born and raised here, was a member of the predominate religion, and retired from an airline. She indicated she was upset by the comments heard this night. She stated her cart was a way to serve the community and get to know people and allow her to continue working. She also stated she never worked as hard in other jobs as she worked on this taco cart. She expressed concern regarding the proposal and discussed requirements for cleanliness in order to do business. Ms. Martinez stated she had no control over customer’s behavior and there was access to restrooms at her cart. She also expressed concern regarding the comments made this night, as this was not the “American way.” Ms. Martinez answered questions from members of the City Council.

Debbie Beeler, 3362 West Toni Drive, addressed the City Council. Ms. Beeler apologized to Mr. Morales and stated these carts looked terrible, no matter what type of food they sold. She stated 3500 South looked like a “ghetto” due to the number of carts, large signs, and other things on the street. She stated she was not proud to say she lived in West Valley City because of its bad image. She also stated she had lived here a long time and things had gotten worse. She indicated the food carts looked bad whether they were clean or not. Ms. Beeler stated

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property taxes had gone up and values had gone down and she wondered whether she would stay in the city or get out before it got worse.

Jenny Hughes, 3871 West Parachute Drive, addressed the City Council. Ms. Hughes stated she had purchased a new home in West Valley City having been born and raised in the area. She indicated it was a hard decision because she and her husband did not know if they wanted to raise children in a place that had a bad reputation. She indicated she had seen beer being sold at one taco stand on 3500 South and inquired regarding the laws. She inquired why other cities did not have these stands everywhere and if there were more restrictions in those cases. She indicated she did not see it as a discrimination issue, but an issue of concern to neighbors, friends and family who lived here. Ms. Hughes explained she had purchased a very nice home and there were two streets in her neighborhood where the carts were stored at night. She indicated she wanted a cleaner city in which to live and raise her children. She stated she was happy this issue was being considered and wanted the rules to be enforced.

Ralph Astorga, 2942 West. 3100 South, addressed the City Council. Mr. Astorga stated he had been here since 1968. He indicated the people with taco stands deserved a chance. He also indicated restaurants could be dirty too. He stated the vendors were trying to make a living and were not out panhandling. Mr. Astorga further stated 3500 South was commercial and part of the tax base. He asked the City Council to take a close look at the issue. He stated we were a melting pot here, but there were many problems that needed to be addressed. Mr. Astorga indicated a desire for West Valley City to be a good place to raise kids and requested the City Council listen to the comments with an open mind.

Randy Lucero, 4214 South Charles Drive, addressed the City Council. Mr. Lucero expressed concern regarding what West Valley was looking like now. He expressed embarrassment to say he lived in West Valley because of the image and crime. He requested the City start cleaning up and limit fast food, taco stands, and other businesses. He requested to let them stay and make a living, but with limits. He expressed the need to change the look of the City and indicated he was glad to see the changes taking place at the Valley Fair Mall. He indicated this was a big City and there should be more buildings that are beautiful.

Joseph Garcia, 2781 South Centerbrook Drive, addressed the City Council. Mr. Garcia stated he had been a resident for 10 years. He indicated his position was similar to that of Necia Christensen. He advised he had a degree from University of Utah, was a bachelor, and a patron of taco stands. He stated he was a third generation Hispanic. He stated he went to the stands occasionally and inquired if those in opposition had actually eaten at a taco stand. He indicated some taco stands were not appealing to the eye, but he had not heard opposition to snow shacks or coffee carts. He inquired if people were just opposed to the taco stands

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and not others. He also suggested it might be better for the taco stands to be small buildings with drive-thru windows and that it would be more appealing to have uniform buildings with the same amenities.

Scott Warr, 3154 South 3600 West, addressed the City Council. Mr. Warr stated he been present to hear discussions at the Planning Commission meetings and hearings as well as the City Council meetings regarding this issue. He indicated he recognized the concern to balance needs of brick and mortar businesses and vending carts. Mr. Warr explained good things were happening in the City and he agreed some carts looked trashy and were eyesores, but the new proposal would take care of that. He commended City staff for their efforts. He also stated the City Council had a difficult decision to make.

Debbie Beeler, 3362 West Toni Drive, again addressed the City Council. Ms. Beeler inquired regarding the cap of the number of carts allowed in the proposed ordinance.

Mayor Nordfelt clarified language in the proposed ordinance, as requested.

There being no one else to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

Councilmember Vincent suggested there seemed to be confusion regarding the proposal and stated it would be well to request City staff to present a summary for benefit of citizens in attendance at the meeting.

Mayor Nordfelt recessed the Regular Meeting at 7:57 P.M. and reconvened the Regular Meeting at 8:07 P.M.

At the request of the City Council, and by direction of the City Manager, Jody Knapp, CED Department, used PowerPoint and discussed information summarized as follows:

- Current standards
- Currently 23 licensed food carts and map showing location
- Photographs of examples of the carts and mobile vehicles being used
- Proposed requirements

The City Council commented and discussed issues as follows:

Councilmember Winder stated he had been offended there had been racial comments made during the public hearing. He also stated this was about food vending carts no matter what type of food was being sold. He indicated it was not an issue of ethnicity, but rather about image, preserving the quality of the City,

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and making things better. He discussed examples of programs to improve the City and stated this would be part of the effort to clean it up and instill pride. He indicated this was a quality of life issue and residents had the right to a high quality and standard of life. He stated there was some question regarding enforceability of current ordinances and some vendors did “play by the rules” but it was an issue that needed to be reviewed. He further stated there were representatives from the Salt Lake Valley Health Department in attendance at the meeting and he desired to ask questions of those representatives.

Bonnie Catten, Salt Lake Valley Health Department, addressed the City Council. Ms. Catten stated they regulated and inspected carts and restaurants in West Valley City. In response to inquiry from members of the City Council, Ms. Catten explained the inspection program, regulations, monitoring of food carts, investigation of complaints regarding food-borne illnesses, number of carts closed down due to violations, kitchen manager certification, and other issues. She expressed concern regarding language in the proposed ordinance and stated it should refer to two “closures” by the Health Department rather than two “violations.”

Councilmember Vincent stated he had driven to several locations in the City at night time to see if the carts had been removed, most had been removed so he assumed they were taken to commissary. He stated he remained confident vendors were following rules and did not want to lose their businesses. He discussed food vendors in other cities such as New York City and stated they added to the quality of life in those areas. He indicated this could be a positive thing if all rules were followed. He indicated he liked the proposed ordinance and thought it was fair and allowed an opportunity to have a vibrant community.

Councilmember Brooks inquired if the City had the ability or mechanism to assist the cart vendors in finding a brick and mortar location for their business.

Mayor Nordfelt stated the State and Federal governments had programs to assist in this regard.

Councilmember Rushton discussed violations versus closures and inquired regarding the language in the proposal.

Jody Knapp, CED Department, clarified language in the proposed ordinance.

Councilmember Winder questioned regarding enforcement and number of staff needed for that effort. City Manager, Wayne Pyle, responded one officer was assigned to focus on commercial corridors, along with the Fire Department, Business License Division and the Salt Lake Valley Health Department. Mr. Pyle also stated the City would be able to handle enforcement under the proposed cap.

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Councilmember Burt expressed concern regarding beer being sold out of the food carts and inquired if code enforcement officers would handle that type of violation. She stated she remained conflicted regarding this issue and expressed opinion as a former restaurant owner as well as a City Council member. She commended City staff for a thorough job in drafting the proposed ordinance.

Councilmember Coleman discussed issues of concern including health and safety and the effect on the community. He indicated he had not always lived in West Valley City, but chose to live here and was not ashamed to tell people. He stated there still were safety and health concerns regarding the food carts in parking lots. He indicated he was satisfied if the Health Department regulations were met the food would be safe. Councilmember Coleman stated that after talking to many constituents and hearing the comments made this night, he was ready to make a decision. He stated he was satisfied with the recommendation from City staff. He also stated he would like to see transfer to more a suitable location be allowed in the ordinance.

Councilmember Brooks expressed concern regarding some language in the proposed ordinance, but felt staff and the Planning Commission had considered it carefully. He indicated those who said they were embarrassed to live in West Valley City were doing the City harm. He expressed appreciation to those who had come to the meeting and addressed the Council. He advised the Council was attempting to do their best for the community and there was a need to support small businesses in the City.

Councilmember Vincent stated there had been comments about other communities and he was sorry that others did not have taco carts in their cities.

Councilmember Rushton stated he was not in favor of limits on food cart vendors and he had looked at public safety and land use issues. He stated carts should be confined to certain zones in specific locations. He also indicated the Salt Lake Valley Health Department should not be the only agency governing the carts. He explained entrepreneurial spirit should not be stifled in an appropriate zone because as the City made the transition to urban and transit-oriented development the need remained for these types of businesses.

Mayor Nordfelt stated he moved to the area in 1967 and continued to live in the City by choice. He also stated he had raised his children here and some of his grown children currently lived in the City. He indicated he and his family loved West Valley City and for 12 years, he had served as the City's Police Chief. He indicated we were a better city now than we ever had been and it continued to get better every day. He discussed the quality of homes, appearance of neighborhoods and how they were getting better, and that crime continued to go down. He stated

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there was still room for improvement, but there always would be room for improvement. He stated the City was headed in the right direction and he was proud to be the Mayor of West Valley City. He indicated the quality of life was in the eyes of the beholder. He further indicated there was a place for food vendors and he was aware of the concerns expressed regarding health and safety issues. Mayor Nordfelt stated he believed the proposed ordinance would address some of those concerns, but we all needed to keep an eye on things and report violations so enforcement could take place. He also discussed the proposal for a cap on the food carts and gave reasons why he agreed with that viewpoint. He indicated approximately one-fourth of the people in the City were Hispanic and he felt an obligation to them as well as everyone else who lived or did business in the City.

Councilmember Winder stated he also was proud to live in West Valley City and did so by choice. He indicated this was a great exercise in democracy. He stated one issue mentioned had been that the food vending carts were an urban attribute, but not a suburban one. He also stated this was a land use decision and the carts were appropriate in certain zones.

ACTION: ORDINANCE NO. 08-40, AMENDING SECTION 7-1-103 AND ENACTING CHAPTER 7-30 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING FOOD VENDING UNITS AND MOBILE FOOD VENDING VEHICLES

The City Council previously held a public hearing regarding Application No. ZT-4-2008, filed by West Valley City, and proposed Ordinance No. 08-40 which would amend Section 7-1-103 and enact Chapter 7-30 of title 7 of the West Valley City Municipal Code regarding food vending units and mobile food vending vehicles.

After discussion, Councilmember Winder moved to amend zones where carts would be allowed, including 'BRP,' 'M,' 'City Center,' and 'C-2,' when a property size was at least 30 acres. Councilmember Rushton seconded the motion.

Discussion ensued regarding proposed amendments to language and possible conflicts with the business license portion of the proposed ordinance, special requirements that might be needed in the 'City Center' zone.

Mayor Nordfelt called for a vote on the motion.

A roll call vote was taken:

Mr. Vincent	No
Mr. Brooks	No
Mr. Coleman	No
Ms. Burt	No

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Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	No

Motion failed, lack of majority.

After discussion, Councilmember Vincent moved to approve Ordinance No. 08-40, an Ordinance Amending Section 7-1-103 and Enacting Chapter 7-30 of Title 7 of the West Valley City Municipal Code Regarding Food Vending Units and Mobile Food Vending Vehicles. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14200

PUBLIC HEARING, APPLICATION NO. ZT-11-2008, FILED BY WEST VALLEY CITY, REQUESTING TO MODIFY THE LANDSCAPING AND BERM REQUIREMENT IN THE OFF-STREET PARKING CHAPTER IN THE CITY CODE

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. ZT-11-2008, filed by West Valley City, requesting to modify the landscaping and berm requirement in the off-street parking chapter in the City Code. He discussed proposed Ordinance No. 08-41 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-41 which would amend Section 7-9-113 of Title 7 of the West Valley City Municipal Code regarding the landscape berm requirement.

Mr. Pyle stated modification to the subject section had been suggested to eliminate need for a three foot high landscape berm in certain situations, such as not being able to meet drainage requirements in any other practice manner other than using swales or using accepted techniques and materials as part of an energy efficient program (i.e., Leadership in Energy Efficient Design (LEED))

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certification) or an environmental enhancement program such as bioswales. The City Manager discussed the following restrictions that would apply:

- The Planning Commission may consider this alternative as a conditional use on properties over 10 acres
- Modification would be allowed only in an 'M' zone
- Allowed only on interior streets within the development
- Not allowed on any high image street or major arterial
- A combination of hedges, shrubs, trees, landscape boulders, screen walls and similar devices shall be used to provide adjacent parking lot screening and variation

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

ACTION: ORDINANCE NO. 08-41, AMENDING SECTION 7-9-113 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING THE LANDSCAPE BERM REQUIREMENT

The City Council previously held a public hearing regarding Application No. ZT-11-2008 and proposed Ordinance No. 08-41 which would amend Section 7-9-113 of Title 7 of the West Valley City Municipal Code regarding the landscape berm requirement.

After discussion, Councilmember Coleman moved to approve Ordinance No. 08-41, an Ordinance Amending Section 7-9-113 of Title 7 of the West Valley City Municipal Code Regarding the Landscape Berm Requirement. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

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ORDINANCE NO. 08-42, ENACT CHAPTER 17-22A AND CHAPTER 17-35 OF TITLE 17 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING VENDING AND TEMPORARY BUSINESSES

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-42 which would enact Chapter 17-22A and Chapter 17-35 of Title 17 of the West Valley City Municipal Code regarding vending and temporary businesses.

Mr. Pyle stated the vending and temporary business sections of Title 17 needed to be renumbered due to implementation of the Solicitation Ordinance. He further stated, in addition, on March 18, 2008, the Council had enacted a moratorium on food vending carts. He indicated this was to allow time for City staff to investigate and examine how these uses impacted the City, businesses and property owners and to review and draft applicable standards for food vending carts.

The City Manager reported currently the City Code allowed for food vending carts, however, very few standards applied to these uses. He indicated when the Code had first been drafted most of the carts that were used were open air carts and they were not being used year round. Therefore, a time limit had not been placed on this use, as it was typically self-regulating. However, the trend seemed to be going more towards enclosed food carts which could stay on a site all year round and making the use more permanent and not temporary as was originally intended.

Mr. Pyle reported that after meeting with the Fire Department, Building Inspection Division, Business Licensing, Code Enforcement and the Salt Lake Valley Health Department it had been determined some guidelines were necessary for this use if it was going to continue to be allowed.

After discussion, Councilmember Brooks moved to approve Ordinance No. 08-42, an Ordinance Enacting Chapter 17-22A and Chapter 17-35 of Title 17 of the West Valley City Municipal Code Regarding Vending and Temporary Businesses. Councilmember Coleman seconded the motion.

Upon further discussion, Councilmember Vincent moved to amend the motion and add an additional trash receptacle. Councilmember Brooks accepted the amendment; Councilmember Coleman did not accept the amendment for the second to the motion.

A roll call vote was taken on the original motion:

Mr. Vincent	Yes
Mr. Brooks	Yes

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Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14202

ORDINANCE NO. 08-43, AMEND SECTION 7-1-101 AND REPEAL AND REENACT CHAPTER 17-22 OF TITLE 17 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING SOLICITING

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-43 which would amend Section 7-1-101 and repeal and reenact Chapter 17-22 of Title 17 of the West Valley City Municipal Code regarding soliciting.

Mr. Pyle stated that based on new developments in the law, URMMA (Utah Risk Management Mutual Association) had recommended the City enact a solicitation Ordinance. He also stated the proposed ordinance protected our citizens from fraud and abuse by door-to-door solicitors and protected the City from potential claims from solicitors.

The City Manager reported the Solicitation Ordinance required its own section of the Code and should be separate from the vending and temporary business section of the Code.

Councilmember Winder stated he would abstain from voting due to his personal line of business.

After discussion, Councilmember Coleman moved to approve Ordinance No. 08-43, an Ordinance to Amend Section 17-1-101 and Repeal and Reenact Chapter 17-22 of Title 17 of the West Valley City Municipal Code Regarding Soliciting.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Abstain
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Majority.

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ORDINANCE NO. 08-44, ENACT CHAPTER 3-17 OF TITLE 3 OF THE WEST VALLEY CITY MUNICIPAL CODE BY ESTABLISHING A HISTORIC PRESERVATION COMMISSION TO SURVEY AND INVENTORY COMMUNITY HISTORIC RESOURCES, REVIEW PROPOSED NOMINATIONS TO NATIONAL REGISTER OF HISTORIC PLACES, REVIEW APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS, PROVIDE ADVICE AND INFORMATION TO CITY OFFICIALS AND OTHER GOVERNMENTAL OFFICIALS AND SUPPORT ENFORCEMENT OF STATE HISTORIC PRESERVATION LAWS

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-44 which would enact Chapter 3-17 of Title 3 of the West Valley City Municipal Code by establishing a Historic Preservation Commission to survey and inventory community historic resources, to review proposed nominations to the National Register of Historic Places, to review applications for certificates of appropriateness to provide advice and information to City officials and other governmental officials and to support enforcement of State historic preservation laws.

Mr. Pyle stated West Valley City recognized the historical heritage of the community was among its most valued and important assets and desired to identify, preserve, protect and enhance historic buildings, structures, sites, objects, and districts lying within the City limits.

The City Manager indicated the Historical Preservation Commission would survey and inventory community historic resources, review proposed nominations to the national register of historic places, review applications for certificates of appropriateness, provide advice and information to City officials and other governmental officials and to support enforcement of State historic preservation laws. He indicated the proposed ordinance set forth the structure of the Historic Preservation Commission.

Mr. Pyle reported enactment of the ordinance would also allow the commission, through the City, to apply for various grant monies to help preserve historic resources. He advised appointments to the Historic Preservation Commission would be made by recommendation of the City Manager and ratified by the City Council.

After discussion, Councilmember Winder moved to approve Ordinance No. 08-44, an Ordinance Enacting Chapter 3-17 of Title 3 of the West Valley City Municipal Code by Establishing a Historic Preservation Commission to Survey and Inventory Community Historic Resources, to Review Proposed Nominations to the National Register of Historic Places, to Review Applications for

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Certificates of Appropriateness, to Provide Advice and Information to City Officials and Other Governmental Officials and to Support Enforcement of State Historic Preservation Laws. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14204

RESOLUTION NO. 08-238, APPROVE INTERLOCAL COOPERATION AGREEMENT WITH SALT LAKE COUNTY FOR PARK PROPERTY LOCATED AT 6200 WEST LODESTONE AVENUE (5990 SOUTH)

City Manager, Wayne Pyle, presented proposed Resolution No. 08-238 which would approve an Interlocal Cooperation Agreement with Salt Lake County for park property located at 6200 West Lodestone Avenue (5990 South).

Mr. Pyle stated Salt Lake County had begun the planning and construction process of Lodestone Park at 6200 West Lodestone Avenue (5990 South). He also stated more than half the park would be inside West Valley City limits. He indicated the City would contribute \$200,000.0 towards the planning and construction of the park and an agreement would be required.

The City Manager reported Salt Lake County Master Plan indicated a park should be built in the area of 6200 West 6000 South near Diamond Summit subdivision. He stated the County had 14.66 acres in that area including a portion being used as storm water retention. He indicated this would be a neighborhood park with parking areas for open field play, a pavilion, drinking fountains, picnic tables, and possibly a restroom. He stated over 8.5 acres of the 14.66 were in West Valley City.

City Manager, Wayne Pyle, reported Salt Lake County park planning had hoped to get planning completed this Fall or early Winter, and start construction in the Spring/Summer of 2009.

After discussion, Councilmember Rushton moved to approve Resolution No. 08-238, a Resolution Approving an Interlocal Cooperation Agreement between West

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Valley City and Salt Lake County for Park Property Located at 6200 West Lodestone Avenue (5990 South). Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14205

RESOLUTION NO. 08-239, ACCEPT A WARRANTY DEED FROM LEE C. FOBERT FOR PROPERTY LOCATED AT 3856 SOUTH 3600 WEST, 3600 WEST RECONSTRUCTION PHASE 2 PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 08-239 which would accept a Warranty Deed from Lee C. Fobert for property located at 3856 South 3600 West regarding the 3600 West Reconstruction Phase 2 Project.

Mr. Pyle stated Lee C. Fobert had signed the Warranty Deed.

The City Manager reported the subject parcel was one of the properties affected by construction of 3600 West from 3500 South to 4100 South. He stated the owner had requested installation of an optional parking pocket in front of the property and the subject deed would donate the additional right-of-way necessary to install the parking pocket.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-239, a Resolution Authorizing the City to Accept a Warranty Deed from Lee C. Fobert for Property Located at 3856 South 3600 West. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

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Unanimous.

14206

RESOLUTION NO. 08-240, APPROVE AN AGREEMENT WITH COLLABORATION ONLINE, LIMITED COMPANY (COLC) FOR HOSTED MICROSOFT EXCHANGE E-MAIL SERVICES

City Manager, Wayne Pyle, presented proposed Resolution No. 08-240 which would approve an Agreement with Collaboration Online, Limited Company, (COLC) for hosted Microsoft Outlook/Exchange e-mail services, in the amount of \$99,000.00 the first year and \$93,000.00 for subsequent years.

Mr. Pyle stated a conversion to Microsoft Outlook/Exchange was needed to provide improved e-mail services for City departments. He further stated the Information Technology Division had reviewed several e-mail options for the City. He indicated the most cost effective and robust option would be to contract for hosted Microsoft Outlook/Exchange services. He stated, in fact, the City would save about \$300,000.00 over four years outsourcing these services. After evaluating several hosted service providers, COLC had been selected. He informed COLC had been awarded the Microsoft Partner of the Year award for 2008 for hosted services. In addition, the company offered the greatest number of features for the least amount of money. He reported COLC's services qualified under the provisions of Title 5 – West Valley City Procurement Code Section 5-3-111, Very Specialized or Confidential Services.

After discussion, Councilmember Burt moved to approve Resolution No. 08-240, a Resolution Authorizing the Execution of an Agreement between West Valley City and Collaboration Online, Limited Company for Hosted Microsoft Exchange E-mail Services. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

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14207

RESOLUTION NO. 08-241, AUTHORIZING ISSUANCE AND SALE OF UP TO \$8,500,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS OF WEST VALLEY CITY, UTAH; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE THAT THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AUTHORIZING CIRCULATION OF A PRELIMINARY OFFICIAL STATEMENT WITH RESPECT THERETO; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND THE HOLDING OF A PUBLIC HEARING; EXPRESSING OFFICIAL INTENT REGARDING CERTAIN CAPITAL EXPENDITURES TO BE REIMBURSED FROM PROCEEDS OF THE BONDS; AND PROVIDING FOR RELATED MATTERS

City Manager, Wayne Pyle, presented proposed Resolution No. 08-241 which would authorize issuance and sale of up to \$8,500,000 aggregate principal amount of Sales Tax Revenue Bonds of West Valley City, Utah; fix the maximum aggregate principal amount of the Bonds, the maximum number of years over which the Bonds may mature, the maximum interest rate that the Bonds may bear, and the maximum discount from par at which the Bonds may be sold; provide for the publication of a Notice of Bonds to be Issued; provide for the running of a contest period; authorize the circulation of a Preliminary Official Statement with respect thereto; provide for the publication of a Notice of Public Hearing and the holding of a public hearing; express official intent regarding certain capital expenditures to be reimbursed from proceeds of the bonds; and provide for related matters.

Mr. Pyle stated the proceeds of the Sales Tax Revenue Bond would be used to construct the new Animal Shelter, construct a Police Department Storage Facility, and to grade and prepare certain property near West Ridge Golf Course for construction of future City facilities.

The City Manager reported the City intended to construct a new Animal Shelter on a small portion of the City Park property. He indicated a portion of the new Animal Shelter would be paid for by Taylorsville City since they contracted with West Valley City for animal control services. He indicated the Community Preservation Department would also be located in the new facility. He advised the City also owned several acres of property near West Ridge Golf Course and would use part of the bond funds to grade that property in preparation for future use and construction of a Police Department Storage Facility on the site.

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After discussion, Councilmember Coleman moved to approve Resolution No. 08-241, a Resolution Authorizing Issuance and Sale of up to \$8,500,000 Aggregate Principal Amount of Sales Tax Revenue Bonds of West Valley City, Utah; Fix the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years Over Which the Bonds May Mature, the Maximum Interest Rate that the Bonds May Bear, and the Maximum Discount From Par at Which the Bonds May Be Sold; Provide for the Publication of a Notice of Bonds to be Issued; Provide for the Running of a Contest Period; Authorize the Circulation of a Preliminary Official Statement With Respect Thereto; Provide for the Publication of a Notice of Public Hearing and the Holding of a Public Hearing; Express Official Intent Regarding Certain Capital Expenditures to be Reimbursed from Proceeds of the Bonds; and Provide for Related Matters. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	No
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Majority.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, SEPTEMBER 9, 2008, WAS ADJOURNED AT 9:46 P.M., MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, September 9, 2008.

Sheri McKendrick, MMC
City Recorder